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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)
OR

| | |
|--------------------------|--------------|
| Attorney Docket Number | 12636-267 |
| First Named Inventor | REDKAR |
| <i>COMPLETE IF KNOWN</i> | |
| Application Number | 10/080,530 |
| Filing Date | 2/21/2002 |
| Group Art Unit | 2862 |
| Examiner Name | Not Assigned |

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**COMPOSITIONS AND FORMULATIONS OF 9-NITROCAMPTOTHECIN
POLYMORPHS AND METHODS OF USE THEREFOR**

(Title of the Invention)

the specification of which

 is attached hereto
OR was filed on (MM/DD/YYYY) 02/21/2002 as United States Application Number or PCT InternationalApplication Number 10/080,530 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? YES | Certified Copy Attached? NO |
|-------------------------------------|---------|----------------------------------|--------------------------|------------------------------|-----------------------------|
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(h) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto. |
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(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Please Type a plus sign (+) inside this box

PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application is not designated in the prior United States or PCT international application in the manner provided by the first paragraph of 31 U.S.C. 112. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|------------------------------------|---|
| | | |

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Customer Number 021971 →

Place Customer
Number Bar
Code Label here

OR

Registered practitioner(s) name/registration number listed below

| Name | Registration Number | Name | Registration Number |
|------|------------------------|------|------------------------|
| | | | |

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: Customer Number
or Bar Code Label 021971 OR Correspondence address below

| | | | | | | | |
|---------|----------------------------------|-----------|--------------|-----|-------|--------------|--|
| Name | David J. Weitz | | | | | | |
| Address | Wilson Sonsini Goodrich & Rosati | | | | | | |
| Address | 650 Page Mill Road | | | | | | |
| City | Palo Alto | State | CA | ZIP | 94304 | | |
| Country | U.S. | Telephone | 650-493-9300 | | Fax | 650-493-6811 | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: A petition has been filed for this unsigned inventor

Given Name (first and middle (if any)) Family Name or Surname

Sanjeev

REDKAR

| | | | | | | | |
|----------------------|-----------------------|-------|----|---------|-------|-------------|------------|
| Inventor's Signature | | | | | | Date | 05/03/2002 |
| Residence: City | Union City | State | CA | Country | US | Citizenship | IN |
| Post Office Address | | | | | | | |
| Post Office Address | 30723 Churchill Court | | | | | | |
| City | Union City | State | CA | ZIP | 94587 | Country | US |

Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto:

Please Type a plus sign (+) inside this box → +

PTO/SB/02A (3-97)

Approved for use through 9/30/98, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| DECLARATION | | ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>1</u> of <u>1</u> | |
|--------------------|--|--|--|

| | | | | | | | |
|--|----------------------|---|------------------------|---------|-------|-------------|----------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle (if any) | | | Family Name or Surname | | | | |
| Ashok | | | GORE | | | | |
| Inventor's Signature | <i>Ashok Y. Gore</i> | | | | | Date | 05/07/02 |
| Residence: City | San Ramon | State | CA | Country | US | Citizenship | US |
| Post Office Address | <i>PO Box 1234</i> | | | | | | |
| Post Office Address | 2050 Goldenrod Lane | | | | | | |
| City | San Ramon | State | CA | ZIP | 94583 | Country | US |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle (if any) | | | Family Name or Surname | | | | |
| | | | | | | | |
| Inventor's Signature | | | | | | Date | |
| City | | State | | Country | | Citizenship | |
| Post Office Address | | | | | | | |
| Post Office Address | | | | | | | |
| City | | State | | ZIP | | Country | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle (if any) | | | Family Name or Surname | | | | |
| | | | | | | | |
| Inventor's Signature | | | | | | Date | |
| City | | State | | Country | | Citizenship | |
| Post Office Address | | | | | | | |
| Post Office Address | | | | | | | |
| City | | State | | ZIP | | Country | |

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POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS

The undersigned ASSIGNEE of the entire interest in:

- U.S. Patent No. _____
 U.S. application no. 10/080,530, filed on 2/21/2002

hereby appoints the following attorneys of Wilson Sonsini Goodrich & Rosati:

| Attorney Name | Reg. No. | Attorney Name | Reg. No. |
|-------------------|----------|--------------------|----------|
| Paul Davis | 29,294 | David J. Weitz | 38,362 |
| David J. Abraham | 39,554 | U.P. Peter Eng | 39,666 |
| George A. Willman | 41,378 | Shirley Chen | 44,608 |
| Kenta Suzue | 45,145 | Jonathan T. Manson | 43,774 |
| John Gilmore | 46,375 | Keith Witek | 37,475 |

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

- a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
 the Assignment recorded on ____ at reel ___, frames ____ - ____.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all correspondence and telephone calls to:

| | | | | | | |
|---------|------------------------------------|-----------|----------------|-----|----------------|----------------------|
| Name | David J. Weitz | | | | | |
| Address | Wilson Sonsini Goodrich and Rosati | | | | | |
| Address | 650 Page Mill Road | | | | | |
| City | Palo Alto | State | CA | Zip | 94304 | Customer No.: 021971 |
| Country | USA | Telephone | (650) 493-9300 | Fax | (650) 493-6811 | |

ASSIGNEE:

Name: LUCY S. CHANG
 (Print)

Sign: LUCY S. CHANG

Title: Sr. Director, Planning and Legal
 Date: 5/16/02